

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TION ALONZO GRIMMETT HILL, Sr.,

Plaintiff,

v.

A. YOUSSEF, *et al.*,

Defendants.

Case No. 2:23-cv-00492-JDP (PC)

**ORDER**

GRANTING PLAINTIFF’S MOTION TO  
MODIFY THE SCHEDULING ORDER AND  
DENYING PLAINTIFF’S MOTION TO  
APPOINT COUNSEL

ECF Nos. 22 & 23

Plaintiff has filed a motion to modify the September 7, 2023 scheduling order, ECF No. 22, and a motion to appoint counsel, ECF No. 23. Good cause appearing, plaintiff’s motion to modify the scheduling order is granted.

Plaintiff does not have a constitutional right to appointed counsel in this action, *see Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court lacks the authority to require an attorney to represent plaintiff. *See Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 490 U.S. 296, 298 (1989). The court can request the voluntary assistance of counsel. *See* 28 U.S.C. § 1915(e)(1) (“The court may request an attorney to represent any person unable to afford counsel”); *Rand*, 113 F.3d at 1525. But without a means to compensate counsel, the court will seek volunteer counsel only in exceptional circumstances. In determining whether such

1 circumstances exist, “the district court must evaluate both the likelihood of success on the merits  
2 [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
3 legal issues involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks and citations omitted).

4 The appointment of counsel is not warranted. The allegations in the complaint are not  
5 exceptionally complicated, and plaintiff has not demonstrated that he is likely to succeed on the  
6 merits.

7 Accordingly, it is hereby ORDERED that:

- 8 1. Plaintiff’s motion to modify the scheduling order, ECF No. 22, is granted.  
9 2. All requests for discovery shall be filed on or before February 6, 2024. All other  
10 deadlines remain unchanged.  
11 3. Plaintiff’s motion to appoint counsel, ECF No. 23, is denied.

12 IT IS SO ORDERED.  
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14 Dated: January 9, 2024

  
15 JEREMY D. PETERSON  
16 UNITED STATES MAGISTRATE JUDGE  
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